

107TH CONGRESS  
1ST SESSION

# S. 98

To amend the Elementary and Secondary Education Act of 1965 to promote parental involvement and parental empowerment in public education through greater competition and choice, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 22, 2001

Mr. CARPER introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Elementary and Secondary Education Act of 1965 to promote parental involvement and parental empowerment in public education through greater competition and choice, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Empowering Parents  
5       Act of 2001”.

1           **TITLE I—PUBLIC SCHOOL**  
2                           **CHOICE**

3   **SEC. 101. SHORT TITLE OF TITLE.**

4           This title may be referred to as the “Enhancing Pub-  
5   lic Education Through Choice Act”.

6   **SEC. 102. FINDINGS.**

7           Congress finds that—

8                   (1) research shows that parental involvement in  
9           a child’s education is a key factor supporting stu-  
10          dent achievement;

11                   (2) parents are the most important enforcers of  
12          accountability in public education;

13                   (3) whenever a child is left trapped in a failing  
14          school, the Nation has failed to fulfill the promise of  
15          equal opportunity for all;

16                   (4) high quality public school choice programs  
17          that are genuinely open and accessible to all stu-  
18          dents (including poor, minority, limited English pro-  
19          ficient, and disabled students) broaden educational  
20          opportunities and promote excellence in education;

21                   (5) public school systems have begun to develop  
22          a variety of innovative programs that offer expanded  
23          choices to parents and students; and

24                   (6) the Federal Government should support and  
25          expand efforts to give parents and students the high

1 quality public school choices the parents and stu-  
2 dents seek, to help eliminate barriers to effective  
3 public school choice, and to disseminate the lessons  
4 learned from high quality choice programs so that  
5 all public schools can benefit from the efforts.

6 **SEC. 103. PURPOSES.**

7 The purposes of this title are—

8 (1) to prevent children from being consigned to,  
9 or left trapped in, failing schools;

10 (2) to ensure that parents of children in failing  
11 public schools have the choice to send their children  
12 to higher performing public schools, including public  
13 charter schools;

14 (3) to support and stimulate improved public  
15 school performance through increased public school  
16 competition and increased Federal financial assist-  
17 ance;

18 (4) to provide parents with more choices among  
19 public school options; and

20 (5) to assist local educational agencies with low-  
21 performing schools to implement districtwide public  
22 school choice programs or enter into partnerships  
23 with other local educational agencies to offer stu-  
24 dents interdistrict or statewide public school choice  
25 programs.

1 **SEC. 104. PUBLIC SCHOOL CHOICE PROGRAMS.**

2 Title X of the Elementary and Secondary Education  
3 Act of 1965 (20 U.S.C. 10101 et seq.) is amended by add-  
4 ing at the end the following:

5 **“PART L—PUBLIC SCHOOL CHOICE PROGRAMS**

6 **“SEC. 10995A. DEFINITIONS.**

7 “In this part:

8 “(1) LOWEST PERFORMING SCHOOL.—The term  
9 ‘lowest performing school’ means a public school  
10 that has failed to make adequate yearly progress, as  
11 described in section 1111, for 2 or more years.

12 “(2) POVERTY LINE.—The term ‘poverty line’  
13 means the income official poverty line (as defined by  
14 the Office of Management and Budget, and revised  
15 annually in accordance with section 673(2) of the  
16 Community Services Block Grant Act (42 U.S.C.  
17 9902(2))) applicable to a family of the size involved,  
18 for the most recent fiscal year for which satisfactory  
19 data are available.

20 “(3) PUBLIC CHARTER SCHOOL.—The term  
21 ‘public charter school’ has the meaning given the  
22 term in section 10996A.

23 “(4) PUBLIC SCHOOL.—The term ‘public  
24 school’ means a public charter school, a public ele-  
25 mentary school, and a public secondary school.

1           “(5) STUDENT IN POVERTY.—The term ‘stu-  
2           dent in poverty’ means a student from a family with  
3           an income below the poverty line.

4   **“SEC. 10995B. GRANTS.**

5           “The Secretary shall make grants, on a competitive  
6   basis, to State educational agencies and local educational  
7   agencies, to enable the agencies, including the agencies  
8   serving the lowest performing schools, to implement pro-  
9   grams of universal public school choice.

10   **“SEC. 10995C. USE OF FUNDS.**

11           “(a) IN GENERAL.—An agency that receives a grant  
12   under this part shall use the funds made available through  
13   the grant to pay for the expenses of implementing a public  
14   school choice program, including—

15           “(1) the expenses of providing transportation  
16   services or the cost of transportation to eligible chil-  
17   dren, except that not more than 10 percent of the  
18   funds may be used for expenses described in this  
19   paragraph;

20           “(2) the cost of making tuition transfer pay-  
21   ments to public schools to which students transfer  
22   under the program;

23           “(3) the cost of school construction if the con-  
24   struction is necessary to accommodate requests to  
25   transfer to high-demand public schools;

1 “(4) the cost of carrying out public education  
 2 campaigns to inform students and parents about the  
 3 program;

4 “(5) administrative costs; and

5 “(6) other costs reasonably necessary to imple-  
 6 ment the program.

7 “(b) SUPPLEMENT, NOT SUPPLANT.—Funds made  
 8 available under this part shall supplement, and not sup-  
 9 plant, State and local public funds expended to provide  
 10 public school choice programs for eligible individuals.

11 **“SEC. 10995D. REQUIREMENTS.**

12 “(a) INCLUSION IN PROGRAM.—In carrying out a  
 13 public school choice program under this part, a State edu-  
 14 cational agency or local educational agency shall—

15 “(1) allow all students attending public schools  
 16 within the State or school district involved to attend  
 17 the public school of their choice within the State or  
 18 school district, respectively;

19 “(2) provide all eligible students in all grade  
 20 levels equal access to the program;

21 “(3) include in the program public charter  
 22 schools and any other public school in the State or  
 23 school district, respectively; and

24 “(4) develop the program with the involvement  
 25 of parents and others in the community to be served,

1       and individuals who will carry out the program, in-  
2       cluding administrators, teachers, principals, and  
3       other staff.

4       “(b) NOTICE.—In carrying out a public school choice  
5       program under this part, a State educational agency or  
6       local educational agency shall give parents of eligible stu-  
7       dents prompt notice of the existence of the program and  
8       the program’s availability to such parents, and a clear ex-  
9       planation of how the program will operate.

10       “(c) TRANSPORTATION.—In carrying out a public  
11       school choice program under this part, a State educational  
12       agency or local educational agency shall provide eligible  
13       students with transportation services or the cost of trans-  
14       portation to and from the public schools, including public  
15       charter schools, that the students choose to attend under  
16       this program.

17       “(d) NONDISCRIMINATION.—Notwithstanding sub-  
18       section (a)(3), no public school may discriminate on the  
19       basis of race, color, religion, sex, national origin, sexual  
20       orientation, or disability in providing programs and activi-  
21       ties under this part.

22       “(e) PARALLEL ACCOUNTABILITY.—Each State edu-  
23       cational agency or local educational agency receiving a  
24       grant under this part for a program through which a pub-  
25       lic charter school receives assistance shall hold the school

1 accountable for adequate yearly progress in improving stu-  
 2 dent performance as described in title I and as established  
 3 in the school’s charter, including the use of the standards  
 4 and assessments established under title I.

5 **“SEC. 10995E. APPLICATIONS.**

6 “(a) IN GENERAL.—To be eligible to receive a grant  
 7 under this part, a State educational agency or local edu-  
 8 cational agency shall submit an application to the Sec-  
 9 retary at such time, in such manner, and containing such  
 10 information as the Secretary may require.

11 “(b) CONTENTS.—Each application for a grant under  
 12 this part shall include—

13 “(1) a description of the program for which the  
 14 agency seeks funds and the goals for such program;

15 “(2) a description of how the program will be  
 16 coordinated with, and will complement and enhance,  
 17 other related Federal and non-Federal projects;

18 “(3) if the program is carried out by a partner-  
 19 ship, the name of each partner and a description of  
 20 the partner’s responsibilities;

21 “(4) a description of the policies and procedures  
 22 the agency will use to ensure—

23 “(A) accountability for results, including  
 24 goals and performance indicators; and



1           “(B) that the program is open and acces-  
2           sible to, and will promote high academic stand-  
3           ards for, all students; and

4           “(5) such other information as the Secretary  
5           may require.

6   **“SEC. 10995F. PRIORITIES.**

7           “In making grants under this part, the Secretary  
8           shall give priority to—

9           “(1) first, those State educational agencies and  
10          local educational agencies serving the lowest per-  
11          forming schools;

12          “(2) second, those State educational agencies  
13          and local educational agencies serving the highest  
14          percentage of students in poverty; and

15          “(3) third, those State educational agencies or  
16          local educational agencies forming a partnership  
17          that seeks to implement an interdistrict approach to  
18          carrying out a public school choice program.

19   **“SEC. 10995G. EVALUATIONS, TECHNICAL ASSISTANCE, AND**  
20               **DISSEMINATION.**

21          “(a) IN GENERAL.—From the amount made avail-  
22          able to carry out this part for any fiscal year, the Sec-  
23          retary may reserve not more than 5 percent to carry out  
24          evaluations, to provide technical assistance, and to dis-  
25          seminate information.

1       “(b) EVALUATIONS.—In carrying out evaluations  
 2 under subsection (a), the Secretary may use the amount  
 3 reserved under subsection (a) to carry out 1 or more eval-  
 4 uations of State and local programs assisted under this  
 5 part, which shall, at a minimum, address—

6               “(1) how, and the extent to which, the pro-  
 7 grams promote educational equity and excellence;  
 8 and

9               “(2) the extent to which public schools carrying  
 10 out the programs are—

11                       “(A) held accountable to the public;

12                       “(B) effective in improving public edu-  
 13 cation; and

14                       “(C) open and accessible to all students.

15 **“SEC. 10995H. AUTHORIZATION OF APPROPRIATIONS.**

16       “‘There is authorized to be appropriated to carry out  
 17 this part \$200,000,000 for fiscal year 2002 and each sub-  
 18 sequent fiscal year.’”.

19       **TITLE II—PUBLIC CHARTER**  
 20 **SCHOOL FACILITIES FINANCING**

21 **SEC. 201. SHORT TITLE OF TITLE.**

22       This title may be cited as the “Public Charter Schools  
 23 Equity Act”.

24 **SEC. 202. FINDINGS.**

25       Congress finds that—

1           (1) charter schools are public schools authorized  
2           by a designated public body and operating on the  
3           principles of parental involvement, accountability,  
4           flexibility, and choice;

5           (2) in exchange for the flexibility and autonomy  
6           given to charter schools, the schools are held ac-  
7           countable by their sponsors for improving student  
8           achievement and for their financial and other oper-  
9           ations;

10          (3) charter schools can be vehicles both for im-  
11          proving student achievement for students who attend  
12          the schools and for stimulating change and improve-  
13          ment in all public schools and benefiting all public  
14          school students;

15          (4) charter schools are laboratories of reform  
16          and serve as models of how to educate children as  
17          effectively as possible;

18          (5) students in charter schools nationwide have  
19          demographic characteristics that are similar to the  
20          demographic characteristics of students in all public  
21          schools;

22          (6) charter schools in many States serve signifi-  
23          cant numbers of students from lower income fami-  
24          lies, students of color, and students with disabilities;

1           (7) charter schools have enjoyed broad bipar-  
2           tisan support from the executive branch, Congress,  
3           State Governors and legislatures, educators, and  
4           parents across the Nation;

5           (8) 36 States, the District of Columbia, and the  
6           Commonwealth of Puerto Rico have passed laws au-  
7           thorizing charter schools;

8           (9) 32 States, the District of Columbia, and the  
9           Commonwealth of Puerto Rico had operating charter  
10          schools in the 1999–2000 school year;

11          (10) the Charter School Expansion Act of 1998  
12          (Public Law 105–278; 112 Stat. 2682) amended  
13          part C of title X of the Elementary and Secondary  
14          Education Act of 1965 (20 U.S.C. 8061 et seq.),  
15          which authorizes the Federal grant program for  
16          charter schools, to strengthen accountability provi-  
17          sions at the Federal, State, and local levels to ensure  
18          that public charter schools are of high quality and  
19          are truly accountable to the public;

20          (11) 7 of 10 charter schools report having a  
21          waiting list;

22          (12) a survey of charter school developers,  
23          issued as part of a Department of Education report  
24          entitled “A National Study of Charter Schools:  
25          Third Year Report”, found that a lack of startup

1 funds was the most frequently cited barrier to devel-  
2 oping and implementing charter schools, and was  
3 cited by more than half of the charter school devel-  
4 opers surveyed;

5 (13) according to a September 2000 General  
6 Accounting Office study—

7 (A) charter schools do not have access to  
8 the most common source of facility financing,  
9 which is municipal bonds;

10 (B) charter schools are frequently not part  
11 of a school district and generally have no au-  
12 thority to raise taxes or issue tax-exempt bonds;

13 (C) charter schools that are part of school  
14 districts might not share in State or local  
15 school construction funds because the charter  
16 schools must compete with other public schools  
17 that have their own construction or renovation  
18 needs;

19 (D) charter schools that are part of school  
20 districts frequently receive less than the average  
21 amount allocated for the schools in their dis-  
22 tricts for operating expenses;

23 (E) few State charter laws address facility  
24 financing, or provide funding for constructing,

1 renovating, or leasing buildings, for use by  
2 charter schools;

3 (F) loans are not easily accessible or fre-  
4 quently available to charter schools for facility  
5 financing because the charter schools lack long  
6 credit histories and have short-term charters  
7 that can be terminated by their sponsors; and

8 (G) few charter schools have been success-  
9 ful in obtaining a facility from a private donor,  
10 and surplus buildings that can be made avail-  
11 able by school districts free or at reduced rent  
12 either need expensive renovations or simply do  
13 not exist; and

14 (14) the Federal Government should—

15 (A) help to encourage the growth of char-  
16 ter schools, particularly in disadvantaged com-  
17 munities, by helping charter school developers  
18 to access credit markets at reasonable rates of  
19 interest; and

20 (B) encourage the States to provide facili-  
21 ties funding, on a per-pupil basis, to charter  
22 schools, in addition to the per-pupil funding the  
23 States provide for operating expenses, on a per-  
24 pupil basis.

1 **SEC. 203. PURPOSES.**

2 The purposes of this title are—

3 (1) to help eliminate the barriers that prevent  
 4 public charter school developers from accessing the  
 5 credit markets, by encouraging lending institutions  
 6 to lend funds to public charter schools on terms  
 7 more similar to the terms typically extended to tra-  
 8 ditional public schools; and

9 (2) to encourage the States to provide support  
 10 to public charter schools for facilities financing in an  
 11 amount commensurate to the amount the States  
 12 have typically provided for traditional public schools.

13 **SEC. 204. LOAN GUARANTEES.**

14 Title X of the Elementary and Secondary Education  
 15 Act of 1965 (20 U.S.C. 10101 et seq.), as amended by  
 16 section 104, is further amended by adding at the end the  
 17 following:

18 **“PART M—PUBLIC CHARTER SCHOOL LOAN**  
 19 **GUARANTEES**

20 **“SEC. 10996A. DEFINITIONS.**

21 “In this part:

22 “(1) PUBLIC CHARTER SCHOOL.—The term  
 23 ‘public charter school’ means an institution defined  
 24 as a public charter school by the State in which the  
 25 institution is located.

1           “(2) **STARTUP COSTS.**—The term ‘startup  
 2           costs’, used with respect to a public charter school,  
 3           means the costs of securing facilities, training teach-  
 4           ers, and purchasing equipment, including instruc-  
 5           tional materials and computers, for the school.

6   **“SEC. 10996B. LOAN GUARANTEES.**

7           “The Secretary shall carry out a program through  
 8           which the Secretary provides loan guarantees to lending  
 9           institutions on behalf of eligible public charter schools to  
 10          guarantee payment of loans made by the lending institu-  
 11          tions for the startup costs, including the costs of capital  
 12          projects, of the schools.

13   **“SEC. 10996C. USE OF FUNDS.**

14          “In providing a loan guarantee under this part, the  
 15          Secretary shall guarantee to the lending institution pay-  
 16          ment of 90 percent of the principal and interest on a loan  
 17          described in section 10996B.

18   **“SEC. 10996D. APPLICATIONS.**

19          “(a) **IN GENERAL.**—To be eligible to have a loan  
 20          guaranteed under this part, a public charter school shall  
 21          submit an application to the Secretary at such time, in  
 22          such manner, and containing such information as the Sec-  
 23          retary may require.

24          “(b) **CONTENTS.**—The application shall contain—



1           “(1) a certification that the school is a public  
2 charter school;

3           “(2) a certification that the school does not  
4 have access to funding for the startup costs of the  
5 project involved through the financing methods  
6 available to other public schools in the jurisdiction  
7 involved;

8           “(3) an assurance that the school will be unable  
9 to obtain financing for the project at a reasonably  
10 affordable rate of interest unless the school obtains  
11 a loan guarantee under the program carried out  
12 under this part; and

13           “(4) a business plan for the school that includes  
14 reasonable assurances that the school will repay the  
15 loan for which the guarantee will be made.

16 **“SEC. 10996E. PRIORITIES.**

17           “In providing loan guarantees on behalf of public  
18 charter schools under this part, the Secretary shall give  
19 priority to public charter schools in States that meet the  
20 criteria described in paragraph (2), and subparagraphs  
21 (A), (B), and (C) of paragraph (3), of section 10302(e).

22 **“SEC. 10996F. EVALUATIONS, TECHNICAL ASSISTANCE, AND**  
23 **DISSEMINATION.**

24           “(a) IN GENERAL.—From the amount made avail-  
25 able to carry out this part for any fiscal year, the Sec-

1 retary may reserve not more than 5 percent to carry out  
 2 evaluations, to provide technical assistance, and to dis-  
 3 seminate information.

4 “(b) EVALUATIONS.—In carrying out evaluations  
 5 under subsection (a), the Secretary may use the amount  
 6 reserved under subsection (a) to carry out 1 or more eval-  
 7 uations of the program carried out the Secretary under  
 8 this part, which shall, at a minimum, address—

9 “(1) how, and the extent to which, the program  
 10 promotes educational equity and excellence; and

11 “(2) the extent to which public charter schools  
 12 supported through the program are—

13 “(A) held accountable to the public;

14 “(B) effective in improving public edu-  
 15 cation; and

16 “(C) open and accessible to all students.

17 **“SEC. 10996G. AUTHORIZATION OF APPROPRIATIONS.**

18 “There is authorized to be appropriated to carry out  
 19 this part \$400,000,000 for fiscal year 2002 and each sub-  
 20 sequent fiscal year.”.

21 **SEC. 205. INCOME EXCLUSION FOR INTEREST PAID ON**  
 22 **LOANS BY PUBLIC CHARTER SCHOOLS.**

23 (a) IN GENERAL.—Part III of subchapter B of chap-  
 24 ter 1 of the Internal Revenue Code of 1986 (relating to  
 25 items specifically excluded from gross income) is amended

1 by redesignating section 139 and section 140 and by in-  
 2 serting after section 138 the following new section:

3 **“SEC. 139. INTEREST ON PUBLIC CHARTER SCHOOL LOANS.**

4       “(a) EXCLUSION.—Gross income does not include in-  
 5 terest on any public charter school loan.

6       “(b) PUBLIC CHARTER SCHOOL LOAN.—For pur-  
 7 poses of this section:

8               “(1) IN GENERAL.—The term ‘public charter  
 9 school loan’ means any indebtedness incurred by a  
 10 public charter school.

11              “(2) PUBLIC CHARTER SCHOOL.—The term  
 12 ‘public charter school’ means an institution defined  
 13 as a public charter school by the State in which the  
 14 institution is located.”.

15       (b) CONFORMING AMENDMENT.—The table of sec-  
 16 tions for such part III is amended by striking the item  
 17 relating to section 139 and inserting the following:

“Sec. 139. Interest on public charter school loans.

“Sec. 140. Cross references to other Acts.”.

18       (c) EFFECTIVE DATE.—The amendments made by  
 19 this section shall apply to taxable years beginning after  
 20 December 31, 2000, with respect to indebtedness incurred  
 21 after the date of the enactment of this Act.

1 **SEC. 206. GRANTS FOR PUBLIC CHARTER SCHOOL FACILI-**  
 2 **TIES.**

3 Title X of the Elementary and Secondary Education  
 4 Act of 1965 (20 U.S.C. 10101 et seq.), as amended by  
 5 section 204, is further amended by adding at the end the  
 6 following:

7 **“PART N—GRANTS FOR PUBLIC CHARTER**  
 8 **SCHOOL FACILITIES**

9 **“SEC. 10997A. DEFINITION.**

10 “In this part,

11 **“SEC. 10997B. GRANTS.**

12 “(a) IN GENERAL.—The Secretary shall make  
 13 grants, on a competitive basis, to States to pay for the  
 14 Federal share of the cost of establishing or enhancing, and  
 15 administering, programs in which the States make pay-  
 16 ments, on a per-pupil basis, to public charter schools to  
 17 assist the schools in financing school facilities.

18 “(b) PERIOD.—The Secretary shall award grants  
 19 under this section for periods of 5 years.

20 “(c) FEDERAL SHARE.—The Federal share of the  
 21 cost described in subsection (a) for a program shall be  
 22 not more than—

23 “(1) 90 percent of the cost, for the first fiscal  
 24 year for which the program receives assistance under  
 25 this part or its predecessor authority;

26 “(2) 80 percent in the second such year;

1           “(3) 60 percent in the third such year;

2           “(4) 40 percent in the fourth such year; and

3           “(5) 20 percent in the fifth such year.

4   **“SEC. 10997C. USE OF FUNDS.**

5       “(a) IN GENERAL.—A State that receives a grant  
6 under this part shall use the funds made available through  
7 the grant to establish or enhance, and administer, a facili-  
8 ties financing program for public charter schools in the  
9 State.

10      “(b) EVALUATIONS; TECHNICAL ASSISTANCE; DIS-  
11 SEMINATION.—From the amount made available to a  
12 State through a grant under this part for a fiscal year,  
13 the State may reserve not more than 5 percent of the  
14 amount to carry out evaluations, to provide technical as-  
15 sistance, and to disseminate information.

16      “(c) SUPPLEMENT, NOT SUPPLANT.—Funds made  
17 available under this part shall supplement, and not sup-  
18 plant, State and local public funds expended to provide  
19 facilities financing programs, or operations financing pro-  
20 grams, for public charter schools.

21   **“SEC. 10997D. REQUIREMENTS.**

22      “(a) VOLUNTARY PARTICIPATION.—No State may be  
23 required to participate in a program carried out under this  
24 part.

1       “(b) STATE LAW.—To be eligible to receive a grant  
 2 under this part, a State shall establish or enhance, and  
 3 administer, a facilities financing program for public char-  
 4 ter schools in the State, that—

5               “(1) is specified in State law;

6               “(2) provides equitable annual financing, on a  
 7 per-pupil basis, for public charter school facilities;  
 8 and

9               “(3) provides financing that is dedicated solely  
 10 for funding the facilities.

11 **“SEC. 10997E. APPLICATIONS.**

12       “To be eligible to receive a grant under this part, a  
 13 State shall submit an application to the Secretary at such  
 14 time, in such manner, and containing such information as  
 15 the Secretary may require.

16 **“SEC. 10997F. PRIORITIES.**

17       “In making grants under this part, the Secretary  
 18 shall give priority to States that meet the criteria de-  
 19 scribed in paragraph (2), and subparagraphs (A), (B), and  
 20 (C) of paragraph (3), of section 10302(e).

21 **“SEC. 10997G. EVALUATIONS, TECHNICAL ASSISTANCE, AND**  
 22 **DISSEMINATION.**

23       “(a) IN GENERAL.—From the amount made avail-  
 24 able to carry out this part for any fiscal year, the Sec-  
 25 retary may reserve not more than 5 percent to carry out

1 evaluations, to provide technical assistance, and to dis-  
 2 seminate information.

3 “(b) EVALUATIONS.—In carrying out evaluations  
 4 under subsection (a), the Secretary may use the amount  
 5 reserved under subsection (a) to carry out 1 or more eval-  
 6 uations of State programs assisted under this part, which  
 7 shall, at a minimum, address—

8 “(1) how, and the extent to which, the pro-  
 9 grams promote educational equity and excellence;  
 10 and

11 “(2) the extent to which public charter schools  
 12 supported through the programs are—

13 “(A) held accountable to the public;

14 “(B) effective in improving public edu-  
 15 cation; and

16 “(C) open and accessible to all students.

17 **“SEC. 10997H. AUTHORIZATION OF APPROPRIATIONS.**

18 “There is authorized to be appropriated to carry out  
 19 this part \$400,000,000 for fiscal year 2002 and each sub-  
 20 sequent fiscal year.”.

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